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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF : Evans, et al.  
FOR : **SELF-CONTAINED AIR LIFTED SEAT  
APPARATUS**  
SERIAL NO. : 10/799,117  
FILED : March 12, 2004  
LAST OFFICE ACTION : UNKNOWN  
EXAMINER : UNKNOWN  
GROUP ART UNIT : 3636  
ATTORNEY DOCKET NO. : 30011.24987

Akron, Ohio 44308-1471  
June 17, 2004

\*\*\*\*\*

**CERTIFICATE OF MAILING**

I hereby certify that this **INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.56 and §1.97** is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Mail Stop DD, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the following date:

July 27, 2004

Shelly Davis  
Shelly Davis

\*\*\*\*\*

Mail Stop DD  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. §1.56 and §1.97**

Dear Sir:

In accordance with 37 C.F.R. § 1.56, the applicant files this Information Disclosure Statement (IDS) under at least one of the following five circumstances:

☐ 1. **There is No Information to disclose:** No patent novelty search was performed in this case and neither the Applicant nor the undersigned are aware of any prior art devices or documents which they believe to be material to the invention as claimed. This document is being supplied for informational purposes to the Examiner and is evidence of our desire to comply with the duty of disclosure.

☐ 2. **Under § 1.97**, this IDS is filed with the knowledge that it will NOT be considered, but WILL be placed in the file, if

- (1) this IDS is filed BEFORE the grant of a patent; AND
- (2) this IDS does NOT comply with the requirements noted below

☒ 3. **Under § 1.97(b)**, this IDS should be considered because it is being filed

- (1) within 3 months of the filing date of a national application, other than a continued prosecution application under § 1.53(d); OR
- (2) within three (3) months of the date of entry of the national stage of an international application as set forth in § 1.491; OR
- (3) before the mailing date of a first Office Action on the merits; OR
- (4) before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114, whichever occurs last.

☐ 4. **Under § 1.97(c)**: this IDS should be considered because it is being filed after the period specified Under § 1.97(b) above, BUT

- (1) before either the mailing date of a final action under § 1.113 OR
- (2) before the mailing date of a notice of allowance under § 1.311; OR
- (3) before an action that otherwise closes prosecution in the application, whichever occurs last AND

it is accompanied by one of the following statements under § 1.97(e):

I, Timothy D. Bennett, Esq., the undersigned hereby state:

- (a) ☐ Each item of information contained in this information

disclosure statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement,

OR

(b) ☐ To the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in this statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than 3 months prior to the filing of this statement; **OR**

☐ A check in the amount of \$ 180.00 is enclosed to cover the Information Disclosure Statement (IDS) Fee under 37 C.F.R. § 1.17(p) as required when neither item (a) nor (b) above are selected.

☐ 5. **Under § 1.97(d):** this IDS should be considered because

(1) it is being filed after the period specified Under § 1.97(c) above but **ON OR BEFORE** payment of the issue fee, **AND**

(2) it is accompanied by one of the following statements under § 1.97(e):

I, Timothy D. Bennett, Esq., the undersigned hereby state:

(a) ☐ Each item of information contained in this information disclosure statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement, **OR**

(b) ☐ To the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in this statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than 3 months prior to the filing of this statement; **AND**

☐ A check in the amount of \$ 180.00 is enclosed for the petition fee as set forth under 37 C.F.R. § 1.17(i).

In accordance with § 1.56 and § 1.97 the references listed on the attached form PTO/SB/08A are being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application. Copies of these cited documents are enclosed.

☒ Please charge deposit account No. 501210 if any additional fees are required.

It is respectfully requested that the Examiner indicate consideration of the cited references by returning a copy of the attached form PTO/SB/08A, with initials or other appropriate marks.

☒ Under new USPTO requirements, because the corresponding utility patent application was filed after June 30, 2003, copies of any U.S. patents or published patent applications herein disclosed have not been attached. However, the appropriate patent numbers or publication numbers have been provided. The Applicant believes this to be true based on the attached waiver information as provided by Steven G. Kunin, Deputy Commissioner for Patent Examination Policy.

Respectfully submitted,

**BROUSE MCDOWELL**

June 16, 2004  
Date

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## UNITED STATES PATENT AND TRADEMARK OFFICE

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### Information Disclosure Statements May Be Filed Without Copies of U.S. Patents and Published Applications in Patent Applications filed after June 30, 2003

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Statements May Be Filed Without Copies of U.S. Patents and Published Applications in Patent  
Applications filed after June 30, 2003

#### Background

The U.S. Patent and Trademark Office (USPTO or Office) regulations concerning Information Disclosure Statements (IDSs) currently require that copies of the cited references be submitted with the IDS listing. See 37 CFR 1.98 (a)(2). In a prior notice in the Official Gazette this requirement was partially waived with respect to U.S. patents and U.S. patent application publications when an applicant submitted an IDS using the Office's electronic filing system (as an electronic IDS, eIDS). See *Legal Framework for the Use of the Electronic Filing System*, 1263 Off. Gaz. Pat. Off. 60, 10/8/2002, Part V.

All U.S. applications [1] filed after June 30, 2003 are stored in electronic form in the Office's Image File Wrapper (IFW) system. [2] IDSs submitted for these electronic applications are processed by Office staff to create an electronic link which permits cited U.S. patents and U.S. patent application publications to be conveniently viewed by examiners through the Office's patent search system. This feature enables the Office to avoid scanning these documents into IFW, obviating the need for their submission.

#### Waiver

The Office hereby waives the requirement under 37 CFR 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003 and for all international applications that have entered the national stage under 35 USC § 371 after June 30, 2003. See 37 CFR 1.491(b). For all patent applications filed on or before June 30, 2003, copies of cited U.S. patents and patent application publications are still required unless an eIDS is filed.

Applicants are still required to submit copies of foreign patent documents and non-patent literature in accordance with 37 CFR 1.98(a)(2).

#### FOR FURTHER INFORMATION CONTACT:

Questions concerning this waiver may be submitted to Jay Lucas by e-mail at [Jay.Lucas@uspto.gov](mailto:Jay.Lucas@uspto.gov) or by telephone at (703) 308-6868. Comments may also be submitted by mail addressed to: Commissioner for Patents, Box Comments - Patents, Post Office Box 1450, Alexandria, VA 22313-1450, or by facsimile to (703) 305-2919, marked to the attention of Jay Lucas.

Date: 07/11/2003

Signed: /s/  
STEPHEN G. KUNIN  
Deputy Commissioner  
for Patent Examination Policy

[1] Except in special situations, such as in applications under secrecy order or containing national security markings.

[2] See Notification of United States Patent and Trademark Office Patent Application Records being Stored and Processed in

*Electronic Form*, 1271 Off. Gaz. Pat. Off. 100, 6/17 2003.

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Substitute for form 1449/PTO

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

*(Use as many sheets as necessary)*

Sheet	1	of	2	Attorney Docket Number	30011.24987
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## U.S. PATENT DOCUMENTS

[illegible]

## FOREIGN PATENT DOCUMENTS

[illegible]

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04.

<sup>3</sup>Applicant's unique station designator number (optional). See Rules Code of the Patent Documents of the Japanese Patent Office. <sup>4</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>5</sup>For Japanese patent documents, the indication of the year of the right of the Emperor must precede the serial number of the patent document. <sup>6</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>7</sup>Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9799) and select option 2.

